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| 09/988.151      | 11/19/2001  | Jamly Pentz          | 016762.0217-US01    | 8158             |

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Convington & Burling.  
Patent Docketing  
1201 Pennsylvania Avenue, NW  
Washington, DC 20004-2401

EXAMINER

CAPUTO, LISA M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2876

DATE MAILED: 03/27/2002

4

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

## Office Action Summary

Application No.

09/988,151

Applicant(s)

PENTZ ET AL.

Examiner

Lisa M Caputo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Oath/Declaration*

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either on an application data sheet or supplemental oath or declaration.

### *Claim Objections*

2. Claims 1,7-10,14,15,21,24-27,30-31,38, 43-46,and 50 are objected to because of the following informalities: the term "about" used gives the claim a vague indefiniteness. Please try to use a range of values for the specified number, rather than saying "about".

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Story (U.S. Patent No. 6,099,043).

Story teaches a coupon catalog apparatus having all of the elements and means as recited in claims 1, 3, and 12. For example, Story discloses that FIG. 1 illustrates a card catalogue apparatus constructed in accordance with the invention and including a

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plurality of credit card-size cards 55, 15, 35, and 57. Each card has an aperture, as recited in claim 12, formed in one corner such that a rivet 56 or other fastener can be utilized to attach pivotally the cards such that the cards can be stored and carried in a stack or "pack" storage configuration in which each card is aligned on top of or beneath and in registration with the remaining cards in the pack, and such that the cards can be fanned out in the direction of arrow A about the pivot point or rivet 56 in the manner shown in FIG. 1 to permit all of the cards to be at least partially exposed simultaneously. The card catalogue apparatus of FIG. 1 can be returned to a "pack" storage configuration by holding card 55 stationary and by pivoting the remaining cards 15, 35, 57 about rivet 56 in the direction of arrow B until all four cards are in registration above or beneath one another. Each card is sized to readily fit into a wallet, pant pocket, or purse and is presently preferably about three and three-eighths inches long by two and one-eighth inches wide, as recited in claim 1. These dimensions are about the same for length and smaller in width, in accordance to claim 1. The shape and dimension of the cards utilized in accordance with the invention can vary as desired. It is, however, preferred that the cards be sized and shaped to be readily carried and concealed on the person and in wallets and purses (see Figure 1, col 4, lines 3-26).

Regarding claim 3, the machine-readable indicia can be imprinted on a card, stored in a magnetic strip on a card, or formed in any other desired manner on or in the card so a machine can optically, electrically, magnetically, or otherwise detect and read the indicia. The other source, goods-and-services category, and other indicia on the cards in the coupon catalogue apparatus can be imprinted or formed in any other

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desired manner on or in the card so that the user can view, hear, smell or touch the indicia (see Figure 1, col 4, lines 44-52).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Story.

Story fails to specifically teach that the dimensions of the said data card are in the range of about 1 inch by about 1 inch to above 1 7/8 inches by about 3 inches, or about 1 9/16 inches by about 2 9/16 inches.

Story does teach that each card is sized to readily fit into a wallet, pant pocket, or purse and is presently preferably about three and three-eighths inches long by two and one-eighth inches wide, as recited in claim 1. These dimensions are about the same for length and smaller in width, in accordance to claim 1. The shape and dimension of the cards utilized in accordance with the invention can vary as desired. It is, however, preferred that the cards be sized and shaped to be readily carried and concealed on the person and in wallets and purses (see Figure 1, col 4, lines 19-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to vary the card size because it is favorable to be able to have a card that is small in size and portable so that all of one's cards can be kept in the same

place. Further, the varying of the size seems to be a design choice and does not affect the functionality of the card. In addition, if the functionality was to be affected, the functionality would seem to be impeded, since the smaller cards would not conform to the ISO/IEC standards for magnetic cards and magnetic card readers.

5. Claims 4-7, 9, 11, 21-24, 26, 28, 31, 36-43, 45, 47-48, and 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Story in view of Gallagher et al. (U.S. Patent No. 6,003,763, from hereinafter "Gallagher"). The teachings of Story have been discussed above.

Regarding claims 4-6, 21-23, 31, 41-42, and 56-57 Story fails to teach that the magnetic stripe is positioned parallel to an edge of the card, perpendicular to a largest dimension of the card, and has two tracks for storing encoded data, respectively.

Gallagher teaches a method and apparatus for recording magnetic information on traveler's checks, a financial document similar to a card, for they both store financial information. Gallagher discloses that FIG. 6 is an illustration of a rear surface of a traveler's check having a magnetic stripe according to the present invention. Specific details of the embodiment, such as track dimensions and coded character sets, correspond to the international standard established for current payment cards and the associated card swipe readers as provided by the International Standards Organization for (ISO/IEC) 7811 standard under "Physical Characteristics and Test Methods of ID-Cards", and are included for illustration purposes. It will be obvious that other embodiments of the invention that are not designed to use the current standard card swipe readers may differ in their specifications from this standard without departing from

the scope of the present invention. In FIG. 6, magnetic stripe 603 is shown on rear surface 600, parallel to the bottom edge (604), as recited in claim 4. With regards to claim 5, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the card of perpendicular orientation in order to accommodate the smaller size of the card (i.e. if the card is a smaller size, it would be favorable to have the strip perpendicular to have a greater amount of magnetic stripe).

Within stripe 603 are shown two tracks, "track one" (601) and "track two" (602), as recited in claim 6. These tracks are offset from bottom edge 604 by a proscribed standard distance to align with the magnetic read head of the swipe reader. The distance (601A) between the lower edge of track one and bottom edge 604 of the traveler's check should not extend beyond 5.66 mm (0.223 inches). The distance (601B) between the upper edge of track one and bottom edge 604 should be within the range of 8.46 mm to 8.97 mm (0.333-0.353 inches). The distance (602A) between the lower edge of track two and bottom edge 604 should also be within the range of 8.46 mm to 8.97 mm (0.333-0.353 inches). The distance (602B) between the upper edge of track two and bottom edge 604 should be at least 11.76 mm (0.463 inches). The centerline of the first data bit recorded (start sentinel) should be at least 7.94 mm (0.313 inches) from the adjacent side edge of the traveler's check. The centerline of the last data bit recorded (end sentinel) should be at least 6.93 mm (0.273 inches) from the adjacent side edge of the traveler's check. The dimensions of the magnetic stripe must be sufficient to include the necessary data tracks without significant fringing effects, i.e. if the card is 3 and 3/8 inches (3.375 inches) in length, then the strip should be less than

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that (less than 3.135 inches as recited in claim 21) because the magnetic strip must fit on the card and not overlap the edges. Hence, different ranges are available for the length of the magnetic stripe, such as 1 inch to about 3 inches (encompassing  $2 \frac{9}{16}$  inches), as long as the card is still compatible with standard card readers. The standard for a two-track magnetic stripe with respect to payment cards is to allow no more than 2.92 mm (0.115 inches) between the side edge of the document and the leading edge of the magnetic stripe material 603. The lower edge of the magnetic stripe 603 should be maximally 5.54 mm (0.218 inches) from the bottom edge 604 of the document. The upper edge of magnetic stripe 603 should extend at least 11.89 mm (0.468 inches) from the bottom edge 604 of the document (see Figure 6, col 8, lines 23-67).

In view of the teachings of Gallagher, it would have been obvious to one of ordinary skill in the art at the time the invention was made to position the stripe parallel to an edge of the card since this is the conventional orientation for magnetic cards, being well known and notoriously old in the art. In addition, the standard card readers are set up to be able to read cards in the parallel orientation, so it is favorable to have this orientation in order for the card to be read in standard machines. Further, it is obvious to have two encoded tracks of data because this is standard for magnetic stripes (in fact, in magnetic stripes there are usually three tracks) and can be used universally. It is favorable to be able to utilize all of the data handling capabilities on the card with the two tracks so that all of the information desired can be placed on the card for convenience.



Regarding claims 7, 9, 24, 26, 43, and 45 Story fails to teach that the data is encoded at about 210 bits per inch for the first track and about 75 bits per inch for the second track.

Gallagher teaches that the ISO/IEC standard character set for track one is shown in FIG. 9. Each character is represented by six information bits in the sequence "b.sub.1 b.sub.2 b.sub.3 b.sub.4 b.sub.5 b.sub.6." The symbols "SS" (101000) and "ES" (101010) represent the "start sentinel" and "end sentinel" respectively. The symbol "aa" represents characters available for hardware control purposes only and cannot contain information characters. The symbol "bb" represents characters reserved for additional national characters when required. The symbol "cc" represents a character reserved for optional additional graphic symbols. The symbol "dd" represents a separator. The standard for the average bit density of track one is 8.27 bits per millimeter (210 bits per inch).  $\pm 8\%$ . The ISO/IEC standard character set for track two is shown in FIG. 10. Each character is represented by four information bits and a parity bit arranged in the sequence "b.sub.1 b.sub.2 b.sub.3 b.sub.4 b.sub.p," where b.sub.p is the parity bit. The standard for the average bit density of track two is 2.95 bits per millimeter (75 bits per inch).  $\pm 5\%$  (see Figures 9 and 10, col 10, lines 1-19).

In view of the teachings of Gallagher, it would have been obvious to one of ordinary skill in the art at the time the invention was made to encode 210 bits per inch on the first track and 75 bits per inch on the second track because it is well known in the art that these bit densities are the ISO/IEC standard 7811, which most banks and financial institutions use. Hence, it is favorable to use the standard rate so that the

cards are compatible with the standard card readers. One skilled in the art would recognized that different bit densities may not be compatible with standard readers.

Regarding claims 11, 28, and 47 Story fails to teach that the encoded data is encoded using two-frequency encoding.

Gallagher teaches that the actual encoding of information into the magnetic stripe is done in a serial format. The standard format uses two-frequency encoding which allows for serial recording of self-clocking data. The encoding comprises data and clocking transitions together. A flux transition occurring between clocks signifies that the bit is a logical "1." An absence of a flux transition between clocks signifies that the bit is a logical "0" (see col 9, lines 40-47).

In view of the teachings of Gallagher, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ two-frequency encoding because it is an efficient way of encoding data into a magnetic stripe, as well as being well known and notoriously old in the art. It is efficient because the data can be self-clocking, without the use of other clocking that may be off.

Regarding claims 36 and 48, Story teaches that each card has an aperture, as recited in claim 12, formed in one corner such that a rivet 56 or other fastener can be utilized to attach pivotally the cards such that the cards can be stored and carried in a stack or "pack" storage configuration in which each card is aligned on top of or beneath and in registration with the remaining cards in the pack, and such that the cards can be fanned out in the direction of arrow A about the pivot point or rivet 56 in the manner

shown in FIG. 1 to permit all of the cards to be at least partially exposed simultaneously (see Figure 1, col 4, lines 5-14).

Regarding claims 37-38, Story fails to teach that the data card has an angled edge.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the data card with an angled edge because it would distinguish the card from others, and hence make it easier to obtain when looking for something quickly. In addition, the angled edge is a design choice and does not affect the functionality of the card. In fact, if the functionality were to be affected, it would probably be impeded since the magnetic stripe would have to be displaced in order to accommodate the angled edge, and hence, would not be compatible with standard card readers.

Regarding claim 39, Story teaches that each card is sized to readily fit into a wallet, pant pocket, or purse and is presently preferably about three and three-eighths inches long by two and one-eighth inches wide, as recited in claim 1. These dimensions are about the same for length and smaller in width, in accordance to claim 1. The shape and dimension of the cards utilized in accordance with the invention can vary as desired. It is, however, preferred that the cards be sized and shaped to be readily carried and concealed on the person and in wallets and purses (see Figure 1, col 4, lines 19-26). Hence, the size of the card can be in the range of about 1 7/8 inches to about 3 inches.

Regarding claim 40, the machine-readable indicia can be imprinted on a card, stored in a magnetic strip on a card, or formed in any other desired manner on or in the card so a machine can optically, electrically, magnetically, or otherwise detect and read the indicia. The other source, goods-and-services category, and other indicia on the cards in the coupon catalogue apparatus can be imprinted or formed in any other desired manner on or in the card so that the user can view, hear, smell or touch the indicia (see Figure 1, col 4, lines 44-52).

6. Claims 8, 10, 25, 27, 44, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Story in view of Foletta (U.S. Patent No. 4,650,981). The teachings of Story have been discussed above.

Story fails to teach that the data is encoded at 260 bits per inch (more than 210 bits per inch) for the first track and 100 bits per inch (more than 75 bits per inch) for the second track.

Foletta teaches a credit card with active electronics. Foletta teaches that magnetic strips can store up to 255 bits of information (see col 3, lines 13-14).

In view of the teaching of Foletta, it would have been obvious to one of ordinary skill in the art at the time the invention was made to encode at a higher bit density than the conventional card so that more information can be stored, provided that the card is still compatible with standard card readers.

7. Claims 13-14, 29-30, and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Story in view of Minkus (U.S. Patent No. 5,090,736). The teachings of Story have been discussed above.

Story fails to teach that the core of the card comprises polyester, and further, 80% polyester.

Minkus teaches a multi-sheet laminated identification card with tamper resistant, ultrasonic weldments. Minkus discloses that conventionally, what is the upper sheet 13 of the card 11 is formed of an oriented polyester while the lower sheet 15 is formed of an amorphous polyester. Preferably, the oriented polyester is an oriented polyethylene terephthalate and the amorphous polyester is amorphous polyethylene terephthalate. These sheets are conventionally used in identification cards because the oriented polyester is hard and tough, while the amorphous polyester is heat and pressure sealable. The sealing can be accomplished by passing the sheets through heated rollers at a temperature above 300.degree. F (see Figures 1 and 2, col 2, lines 48-58). Since such a large composition of the card is polyester (the top and bottom parts) it is obvious that at least 80% of the core is polyester.

In view of the teachings of Minkus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to assemble the core of the card from polyester because the combination of different types of polyester (the oriented and amorphous polyester) makes for a good base (i.e. one is hard and tough while the other is heat and pressure sealable) so that the card is long-lasting and durable. Polyester is favorable because it is used to make strong fibers and plastics.

8. Claims 16-17, 32-33, and 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Story in view of Chapin, Jr. (U.S. Patent No. 5,883,377, from hereinafter "Chapin"). The teachings of Story have been discussed above.

Story fails to teach that the card is devoid of raised lettering (claims 16 and 32), and that the card does have lettering printing on at least one of the surfaces (claims 17 and 33).

Chapin teaches multiple magnetic stripe transaction cards and systems for utilization thereof. Chapin discloses that in accordance with one embodiment, superimposed upon the card may be two sets of raised printed indicia including, for example, the transaction card number, the expiration date and the name of the card user. One set of the raised printed indicia is inverted with respect to the other set so as to indicate to the user which one of the magnetic stripes is being processed. In accordance with another embodiment, only one set of raised letters is used; the other set being flush with the surface of the card if there are two sets (see abstract).

In view of the teaching of Chapin, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the card either have raised lettering or have the lettering be flush to the card. The advantage to having the lettering raised is that it is harder for one to tamper with the information on the card. However, when the lettering is flush to the card, it is favorable because it is under different layers of laminate and can be read easily. Both of these design choices are well known in the art.

9. Claims 18 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Story in view of Francini et al. (U.S. Patent No. 4,701,601, from hereinafter "Francini"). The teachings of Story have been discussed above.

Story fails to teach that the information storage medium comprises a computer chip.

Francini teaches a transaction card with magnetic stripe emulator. Francini discloses that in accordance with these and many other objects, the subject invention relates to a transaction card having the advantages of the so-called smart cards yet can interface with present transaction terminals having a sensor for reading information magnetically encoded on a card. More specifically, a transaction card is provided having a magnetic stripe emulator. The card is defined by a carrier which is receiveable in the existing transaction terminals. A processor means is provided within the carrier for generating electrical output signals. A storage means is also provided within the carrier and is connected to the processor means. The storage means functions to hold data representative of various transaction information (see col 3, lines 24-37).

In accordance with the subject invention, card 20 includes a microprocessor 24, as illustrated in block form in FIG. 2. The inclusion of the microprocessor provides the card with a vast array of capabilities discussed above. At the present time, extensive literature concerning the development and manufacture of smart cards is available to one skilled in the art, such that the disclosure of the subject invention will be limited to the novel features contained therein. Among the literature available are the patents to Hoppe and Aigo, cited above, wherein significant details are given concerning the mounting of an integrated circuit microprocessor within the body of a carrier. The subject invention is intended to be applicable for use with any of new types of cards (see Figure 2, col 4, lines 18-31).

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In view of the teaching of Francini, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a computer chip so that the magnetic card could have smart card capabilities. The smart card capabilities are favorable because they can store more data and hence can be used for more diverse applications.

10. Claims 19-20, 34-35, and 54-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Story in view of Schloss (U.S. Patent No. 4,027,405). The teachings of Story have been discussed above.

TOP SECRET

Story teaches a plurality of alterable rectangular areas 29 are formed on the front 31 of the card 15. Each card 55, 15, 35, 57 is preferably made of a smooth plastic and each area 29 presently preferably consists of a material which is deposited on and may be rubbed or scratched from the front of the plastic card each time the card is utilized to obtain complimentary goods and services. Consequently, since there are twelve (12) areas 29 on the front 31, the card 15 can be utilized twelve times to obtain a free medium pizza each time a medium pizza is purchased. Card 35 is illustrated in FIGS. 4 and 5 and includes peripheral edge 38 and aperture 37 formed through one corner to receive rivet 56. The front 36 of card 35 includes goods-and-services category indicia 54 which identifies the complimentary goods or services ("Dining Out", i.e. restaurant services) offered to bearers of the card 35. Twelve rectangular areas 39, 40, 61, 62, 63, 64, 45 to 50 of equal size are marked off or encircled with a line on the front 36 of card 35. Five alterable rectangular areas 29 are formed in each rectangular area 39, 40, 61



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to 64, 45 to 50. As earlier noted, each area 29 presently preferably consists of a material which is deposited on and may be rubbed or scratched from the front of the card. Each of the twelve rectangular areas 39, 40, 61 to 64, 45 to 50 also (in addition to areas 29) includes goods-and-services category indicia (for example indicia 52 in area 64) and source indicia (for example indicia 51 in area 64). Such goods-and-services category indicia and source indicia are, for the sake of clarity, only illustrated in area 64 and are omitted from areas 39, 40, 61 to 63, and 46 to 50 in FIG. 4. The format illustrated in FIG. 4 for grouping twelve restaurants (or any other group of like business entities) on the side of a single card enables the size of a coupon catalogue to be significantly reduced in comparison to conventional bound paperback coupon catalogues. Rectangular areas 39, 40, 61 to 64, 45 to 50 are each presently about three-fourths of an inch long and about one-half inch wide or high. Rectangular areas 29 are presently about one-sixteenth of an inch long and about one-thirty second of an inch high. Reducing the size of areas 39, 40, 61 to 64, 45 to 50 to an area which is less than about 0.375 square inches is difficult and is presently not preferred. Reducing the size of areas 29 to a size which is less than about 0.004 square inches is difficult and is presently not preferred (see Figures 1-5, col 5, lines 7-49).

Story fails to teach non-removable dimples and craters on the card for increased gripability.

Schloss teaches a record-reproducible device for flash cards. Schloss discloses a device having a slot in which removable-insertable flash cards or flexible tape are placed, singly, or in any combination, Braille letters, Braille words, printed matter and

pictures (see abstract). The Braille characters here are analogous to the raised dimples for increased gripability.

In view of the teaching of Schloss, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ dimples and craters so that people could more easily grasp the cards because it is favorable to be able to quickly and efficiently grab the card you need when you are in a busy line and need to move quickly through. Hence, it is a faster shopping experience for the user and the customers behind him/her.

### Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lisa M. Caputo** whose telephone number is (703) 308-8505. The examiner can normally be reached between the hours of 8:30AM to 5:00PM Monday thru Friday.

The fax phone number for this Group is (703)308-7722, (703)308-7724, or (703)308-7382.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [lisa.caputo@uspto.gov].

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

LME

LMC  
March 22, 2002



KARL D. FRECH  
PRIMARY EXAMINER